

<b>MIKE ORR dba EITHER ORR EXCAVATING,</b>	)	<b>AGBCA Nos. 2005-173-1</b>
	)	<b>2005-174-1</b>
Appellant	)	<b>2005-175-1</b>
	)	<b>2005-176-1</b>
<b>Representing the Appellant:</b>	)	
	)	
Mike Orr	)	
Either Orr Excavating	)	
P.O. Box 569	)	
Salmon, Idaho 83467	)	
	)	
<b>Representing the Government:</b>	)	
	)	
Heather R. Hinton, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
507 25th Street, Room 205	)	
Ogden, Utah 84401-2450	)	

### **ORDER OF THE BOARD OF CONTRACT APPEALS**

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January 25, 2006

#### **Opinion for the Board by Administrative Judge VERGILIO.**

On September 29, 2005, the Board received a notice of appeal from Mike Orr dba Either Orr Excavating of Salmon, Idaho (contractor). The contractor sought relief, denied by the contracting officer, under an emergency equipment rental agreement (00-SALCHAL-0122) relating to equipment utilized on the Clear Creek Fire on the Salmon-Challis National Forest in 2000. In AGBCA No. 2005-173-1, the contractor seeks \$1,201.76 for damage to an excavator. In AGBCA No. 2005-174-1, the contractor seeks \$1,977.05 for damage to another excavator. In AGBCA No. 2005-175-1, the contractor seeks \$20,160, for what it characterizes as stand-by charges for 36 days for a vehicle. In AGBCA No. 2005-176-1, the contractor seeks \$38,685.87 for supplies and/or operators associated with three pieces of equipment; the contractor contends that these were to be Government-furnished items.

The Board has jurisdiction over these timely-filed appeals pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA).

The parties have proceeded informally, without an appeal file, complaint, or answer. The parties have entered into a settlement agreement, thereby resolving these disputes and requesting a dismissal with prejudice of these appeals. On January 25, 2006, the Board was informed that these matters may be so dismissed.

**DECISION**

These matters are dismissed with prejudice.

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**JOSEPH A. VERGILIO**

Administrative Judge

**Issued at Washington, D.C.**

**January 25, 2006**